

REMARKS

I. Summary of Office Action

Claims 1-62 are pending in this application.

The specification was objected to for not being "of the proper language and format for an abstract of the disclosure" (Office Action, ¶ 1). The title of the invention was objected to for not being descriptive.

Claims 29 and 60* are objected to under 37 C.F.R. § 1.75(c) for "being of improper dependent form for failing to further limit the subject matter of a previous claim" (Office Action, ¶ 3). Claims 29 and 60** are rejected under 35 U.S.C. § 112, first paragraph as being based on a disclosure which is not enabling.

Claims 1-9, 12, 17, 18, 20-22, 30 and 31 were rejected under 35 U.S.C. § 102(b) as being anticipated by Hirsimaki U.S. patent 4,001,551 (hereinafter "Hirsimaki"). Claims 10, 11, 13-16, 23-39 and 32-62 were rejected under

* In the April 8, 2003 Office Action, the Examiner objected only to claim 29. Applicants believe that this was an inadvertent error by the Examiner and that the Examiner intended to object to both claims 29 and 60.

** In the April 8, 2003 Office Action, the Examiner rejected only claim 29. Applicants believe that this was an inadvertent error by the Examiner and that the Examiner intended to reject both claims 29 and 60.

35 U.S.C. § 103(a) as being unpatentable over Hirsimaki in view of Mindes U.S. patent 5,573,244 (hereinafter "Mindes").

II. Summary of Applicants' Reply to Office Action

The specification has been amended to address the Examiner's objection to the Abstract for not being of proper language and format. The title of the invention has been amended to address the Examiner's objection for not being descriptive.

Claims 29 and 60 have been amended to address the Examiner's objection for not being of proper dependent form and to address the Examiner's rejection under 35 U.S.C. § 112, first paragraph. Claims 1, 9, 17, 32, 40 and 48 have also been amended to more particularly define the invention.

The Examiner's objections to the specification, abstract and claims and rejections of the claims are respectfully traversed.

III. The Objections to the Specification

The specification was objected to for not being "of the proper language and format for an abstract of the disclosure" (Office Action, ¶ 1). Specifically, the Examiner stated that the "[abstract] should avoid using phrases which can be implied, such as 'The disclosure concerns,' 'The disclosure defined by this invention,' 'The

disclosure describes, ' etc." Applicants have amended the first sentence of the abstract to address the Examiner's objection by removing the phrase "[t]he present invention provides."

The Examiner also contends that the title of the invention was not descriptive (see Office Action, ¶ 2). Applicants respectfully disagree. However, in order to advance prosecution, applicants have amended the title to "SYSTEMS AND METHODS FOR PROVIDING THE PROJECTED EFFECTS OF WAGERS ON PARIMUTUEL POOLS."

Accordingly, the Examiner's objections to the specification should be withdrawn.

IV. The Objection to Claims 29 and 60
 Under 37 C.F.R. § 1.75(c)

Claims 29 and 60 were objected to for being of improper dependent form for failing to further limit the subject matter of a previous claim. Specifically, the Examiner stated that in claims 29 and 60, the window can be toggled to display the projected odds associated with the proposed wager. Claims 28 and 59, from which claims 29 and 60 respectively depend, state that the window displays the projected odds. Therefore, the Examiner contends that claims 29 and 60 do not further limit claims 28 and 59, respectively. (See Office Action, ¶ 3).

Applicants have amended claims 29 and 60 to state that the window is configured to be toggled between displaying the current odds and the projected odds associated with the proposed wager. Consequently, the window of claims 28 and 59 displays the projected odds and the window of claims 29 and 60 toggles between displaying the projected odds and the current odds. Thus, the Examiner's objection to claims 29 and 60 for failing to further limit the subject matter of a previous claim should be withdrawn.

V. The Rejection of Claims 29 and 60
 Under 35 U.S.C. § 112

Claims 29 and 60 were rejected under 35 U.S.C. § 112, first paragraph, as being based on a disclosure which is not enabling. Specifically, the Examiner stated that the window in claims 29 and 60 can be toggled to display the projected odds associated with the proposed wager. Claims 28 and 59, from which claims 29 and 60 respectively depend, state that the window displays projected odds. The Examiner contends that the word "toggle" implies two states and that information concerning the second state of the window in claim 29 is not enabled by the disclosure. (See Office Action, ¶ 4).

As discussed above, applicants have amended

claims 29 and 60 to state that the window is configured to be toggled between displaying the current odds and the projected odds associated with the proposed wager.

Consequently, the window of claims 29 and 60 toggle between two states: the current odds and the projected odds. Thus, the Examiner's rejection of claims 29 and 60 under 35 U.S.C. § 112, first paragraph, as based on disclosure which is not enabling should be withdrawn.

VI. The Rejections Under 35 U.S.C. § 102

VI.1 Claim 1

Applicants' amended independent claim 1 is directed towards a method for providing the projected effects of wagering on parimutuel pools to a user in an interactive wagering system. A user input proposing a wager that is associated with at least one parimutuel pool is received. Information that affects the user's potential winnings based on the user input is obtained. As amended, the projected effect that the user's proposed wager would have on the parimutuel pool is provided to the user.

The Examiner contends that Hirsimaki shows a method for providing the effects of wagering on parimutuel pools to the user (see Office Action, ¶ 7). Applicants respectfully disagree. Hirsimaki shows a mechanical

calculating device that is used to calculate win, place and show odds in parimutuel pools (see Hirsimaki, Abstract). At racetracks in 1974 (the year the Hirsimaki patent application was filed) the only data available on the tote board were the approximate win odds, the amounts wagered on each horse for each pool and each wagering pool total (see Hirsimaki, column 2, lines 6-8). In order to obtain the odds for place or show pools, a person must perform a complex calculation using as inputs the amounts wagered on selected horses for the wagering pool of interest and each wagering pool total. With Hirsimaki's device, a person can calculate the place or show odds, and the win odds more accurately, for a particular horse. The odds may be calculated in terms of dollars returnable for a given bet.

Applicants submit that Hirsimaki does not show or suggest providing the projected effect a user's proposed wager would have on the parimutuel pool. At most, Hirsimaki shows determining win, place and show odds of a parimutuel pool based on current parimutuel pool conditions. For example, win odds are determined by inputting the pool size and the amount wagered on the horse for which odds are desired (see Hirsimaki, column 8, lines 20-33). The user may then calculate the dollars returnable for a win bet by

using these odds. Similar, yet more complicated calculations, are used to determine place and show odds.

These schemes in Hirsimaki for determining odds and dollars returnable, however, do not take into account that a wager, when it is placed, will have an effect on the parimutuel pool. For example, when a very large wager is placed on a high odds horse, the wager will cause the odds to decrease. Hirsimaki's schemes assume that a person's wager will have no effect on the parimutuel pool. Applicants' invention, in stark contrast to Hirsimaki, recognizes that a user's wager will have an effect on the parimutuel pool and provides the projected effect to the user.

Accordingly, Hirsimaki fails to show or suggest providing the projected effect that the user's proposed wager would have on the parimutuel pool as specified by claim 1. For at least this reason, applicants respectfully request that the rejection of claim 1 under 35 U.S.C. § 102(b) be withdrawn.

VI.2 Claim 17

Applicants' amended independent claim 17 is directed towards a method for providing the projected effects of wagering on odds associated with a proposed wager

in an interactive wagering system. A user input to create the proposed wager that is associated with at least one parimutuel pool is received. Parimutuel pool information and current odds for the proposed wager are obtained. As amended, the effect that the proposed wager would have on the current odds is determined and projected odds are provided to the user.

The Examiner rejected independent claim 17 for the same reason as independent claim 1 (see Office Action, ¶ 7). Claim 17 differs from claim 1 in that the effect that the proposed wager would have on the current odds is determined. Hirsimaki as discussed above merely shows determining the current odds. Hirsimaki's schemes for determining odds assume that a person's wager will have no effect on the parimutuel pool.

Accordingly, Hirsimaki fails to show or suggest determining the effect that the user's proposed wager would have on the current odds as specified by claim 17. In addition, Hirsimaki fails to show or suggest providing projected odds to the user as specified by claim 17. For at least these reasons, applicants respectfully request that the rejection of claim 17 under 35 U.S.C. § 102(b) be withdrawn.

VII. The Rejections Under 35 U.S.C. § 103
 Of Claims 32 and 48

Applicants' amended independent claim 32 is directed towards an interactive wagering system for providing the projected effects of wagering on parimutuel pools to a user. A user input device receives user input to propose a wager that is associated with at least one parimutuel pool. As amended, circuitry is configured to obtain information for the proposed wager that affect user's potential winnings based on the user input and display what projected effects the user's proposed wager would have on the parimutuel pool to the user.

Applicants' amended independent claim 48 is directed towards an interactive wagering system for providing what effect wagering would have on current odds associated with a proposed wager. A user input device receives user input to create the proposed wager that is associated with at least one parimutuel pool. As amended, circuitry is configured to obtain parimutuel pool information and current odds for the proposed wager, to determine what projected effects the wager can have on the current odds and to display projected odds to the user.

The Examiner admitted that "Hirsimaki fails to teach the use of electronic circuitry to perform the input

calculation, or display functions" and attempts to modify Hirsimaki with Mindes to show applicants' approaches (Office Action, ¶ 9). As mentioned above, Hirsimaki fails to show or suggest all of applicants' claimed features because it does not show or suggest providing what the projected effect the user's proposed wager would have on the parimutuel pool and it does not show or suggest determining the effect the proposed wager would have on the current odds and providing projected odds to the user.

Therefore, even if Hirsimaki were modified with Mindes, the combination would fail to show or suggest all of the features of claims 32 and 48. For at least this reason, applicants respectfully request that the rejection of claims 32 and 48 under 35 U.S.C. § 103(a) be withdrawn.

VIII. Dependent Claims 2-16, 18-31, 33-47 and 49-62

Claims 2-16 are dependent from claim 1 and are allowable at least because claim 1 is allowable. Claims 18-31 are dependent from claim 17 and are allowable at least because claim 17 is allowable. Claims 33-47 are dependent from claim 32 and are allowable at least because claim 32 is allowable. Claims 49-62 are dependent from claim 48 and are allowable at least because claim 48 is allowable.

IX. Conclusion

The foregoing demonstrates that claims 1-62 are patentable. This application is therefore in condition for allowance. Reconsideration and allowance are accordingly respectfully requested.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "James A. Leiz", is written over a horizontal line.

James A. Leiz
Registration No. 46,109
Agent for Applicants
FISH & NEAVE
Customer No. 1473
1251 Avenue of the Americas
New York, New York 10020-1105
Tel.: (212) 596-9000
Fax : (212) 596-9090